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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **(OAKLAND DIVISION)**

11 FATEMAH AZIZIAN, <i>et al.</i> ,)	Civil No. 3:03 CV-03359 SBA
)	
12 Plaintiffs,)	<u>CLASS ACTION</u>
)	
13 vs.)	STIPULATION AND ORDER
)	PERMITTING THE PAYMENT OF
14 FEDERATED DEPARTMENT STORES,)	FEDERAL AND STATE INCOME
15 INC., <i>et al.</i> ,)	TAXES ON INTEREST EARNED
)	ON THE FUND
16 Defendants.)	
17 _____)	

18 It is hereby stipulated by and between the parties hereto, subject to the order of
19 this Court, that the necessary amounts to pay both the federal and state income taxes on the
20 interest earned on the \$24,000,000 fund, created under the Settlement Agreement and by this

21 ///

22 ///

23 ///

1 Court's Judgment of March 30, 2005, may be withdrawn from that fund. Nothing herein shall
2 constitute a waiver by any Defendant or any Plaintiff of any of their rights under the
3 Settlement Agreement or otherwise.

4 Dated: March 7, 2006

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Telephone: (415) 788-7210

8 By: /s/ Francis O. Scarpulla
Francis O. Scarpulla

9 On Behalf of Class Counsel

11 Dated: March 9, 2006


Fredric W. Yerman
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New York, NY 10022
Telephone: (212) 836-8000

15 By: /s/ Fredric W. Yerman
Fredric W. Yerman

17 On Behalf of Estee Lauder and
on Behalf of All Other Defendants

19 **ORDER**

20 It is so ordered this _____ 10th _____ day of March, 2006.

21 
22 The Honorable Sandra Brown Armstrong
23 United States District Judge
24 Northern District of California

PROOF OF SERVICE

I, C.P. Cusick, declare I am over the age of eighteen years and not a party to the within action. My business address is 44 Montgomery Street, Suite 3400, San Francisco, California 94104.

On March 9, 2006, I served by a true copy of the following documents on all parties registered for e-filing in the above-captioned matter:

STIPULATION AND ORDER PERMITTING
THE PAYMENT OF FEDERAL AND STATE
INCOME TAXES ON INTEREST EARNED ON
THE FUND

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 9, 2006, at San Francisco, California.

/s/ C.P. Cusick
C.P. Cusick